

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Shawn Lamar McFerren,

Case No. 3:11 CV 1677

Plaintiff,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

This Court has reviewed the Report and Recommendation (R&R) of the Magistrate Judge. After briefing on the merits by both parties, the Magistrate recommended that the Commissioner's final decision be reversed and the case remanded for further proceedings (Doc. 20). Defendant filed a Response advising it "will not be filing objections" (Doc. 21).

Under the relevant statute (28 U.S.C. § 636(C)):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

In this case, no objections have been filed. The failure to file written objections constitutes a waiver of a *de novo* determination by the district court of an issue covered in the R&R. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

The Court has reviewed the R&R, finds it correct, and adopts it in its entirety. The Commissioner's final decision is reversed and this case remanded for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

May 22, 2012